

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

vs.

DRIVERS MANAGEMENT, LLC, and  
WERNER ENTERPRISES, INC.,

Defendants.

CASE NO. 8:18-cv-462

**DEFENDANTS'  
NOTICE OF APPEAL**

COME NOW Defendants Drivers Management LLC and Werner Enterprises, Inc. (collectively, "Werner") and hereby give notice of their intent to appeal from the final judgment in the above-captioned matter and from all orders entered in favor of Plaintiff Equal Employment Opportunity Commission, including the following:

- March 31, 2023 Memorandum and Order (Filing 265);
- March 31, 2023 Order (Filing 266);
- August 23, 2023 Order on Motions in Limine (Filing 303);
- August 27, 2023 Order on Deposition Designations (Filing 305);
- August 31, 2023 Order Granting Plaintiff's Motion for Partial Directed Verdict (Filing 316);
- The Court's oral rulings regarding objections to certain questions and exhibits offered during the trial examination of Erin Marsh;
- The Court's oral rulings regarding objections to certain questions asked and exhibits offered during the trial examinations of Victor Robinson;
- The Court's oral rulings regarding objections to certain questions asked and exhibits offered during the trial examination of Jaime Hamm;
- The Court's oral rulings regarding objections to certain questions asked and exhibits offered during the trial examination of Ben Pile;
- The Court's oral rulings on August 30, 2023, granting Plaintiffs leave to submit the issue of punitive damages to the jury and to introduce evidence of Werner's net worth;

- Final Jury Instructions (Filing 322) and Verdict Form and the Court's oral ruling overruling Werner's objections to Final Jury Instructions and Verdict Form (made on the record during the final jury instruction conference);
- Order denying Werner's Rule 50(a) Motion for Judgment as a Matter of Law and Werner's renewed Motion for Judgment as a Matter of Law (made on the record at the conclusion of Plaintiffs' case and again before the case was submitted to the jury);
- October 2, 2023 Order on Motions in Limine (Filing 330);
- January 10, 2023 Findings of Fact and Conclusions of Law (Filing 353);
- Judgment dated January 10, 2024 (Filing 354);
- May 23, 2024 Order denying in part Werner's Motion for Judgment as a Matter of Law or, in the Alternative, Motion for a New Trial or to Alter or Amend (Filing 376);
- Amended Judgment dated May 23, 2024.

WERNER ENTERPRISES, INC. and  
DRIVERS MANAGEMENT, LLC,  
Defendants

By: /s/ Elizabeth A. Culhane  
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WERNER ENTERPRISES, INC. and  
DRIVERS MANAGEMENT, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court for the United States District Court for the District Court of Nebraska using the CM/ECF system on this 21st day of June, 2024, which system sent notification of such filing to all parties' counsel of record.

/s/ Elizabeth A. Culhane

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